

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 70 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----

RATANCHAND SAKARCHAND JHAVERI

Versus

JAGDISH MANEKLAL JHAVERI

-----

Appearance:

MR SH SANJANWALA for Petitioner

MR SB VAKIL for Respondent No. 1

MR MJ THAKORE for Respondent No. 2

-----

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 03/07/98

ORAL JUDGEMENT

1. This is plaintiff's Appeal From Order against the impugned order dated 16/1/1991 rendered by the learned Second Joint Civil Judge (S.D.) Surat in Special Civil Suit No. 372 of 1989 rejecting the plaintiff's interim injunction application Exh. 5.

2. The plaintiff filed the aforesaid suit for partition of the property in question alleging that the same was joint family property. The plaintiff moved interim injunction application against the defendants restraining them from transferring or alienating in any other manner the property in question till the final disposal of the suit.

3. This appeal has been placed for final hearing before this Court. The learned advocates have made their submissions. It transpired during the course of the submission that this Court granted interim relief restraining the respondents (defendants) from transferring the suit property in any manner to any body and from putting up any construction on the said property till the final disposal of the appeal. This appeal is of 1991. The suit is also quite old. Hence, having heard the learned advocates for the parties, I am of the opinion that following order will meet the ends of justice :-

The interim relief granted by this Court as aforesaid shall continue till upto 31/1/1999. The trial Court will hear and dispose of the suit as expeditiously as possible, preferably on or before 31/1/1999.

In case the suit is not disposed of as aforesaid, it will be open to the plaintiff-appellant to move this Court for extension of interim relief. However, in case the suit is disposed of by decision of the trial Court prior to 31/1/1999, the interim relief will operate till the decision of the trial Court.

This appeal is dispose of in the aforesaid terms with no order as to cost.

**\*\*PVR\*\*AO7091j. \*\*\*\*\***